IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**And**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 1835 of 2005**

Between:

S. Rama Murthy, S/o. Krishna Murthy, Junior Assistant,
Governmentt Polytechnic College for Women, Srikakulam-32.

**..... PETITIONER**

AND

1 Commissioner for Technical Education, A.P., Hyderabad.
2 Regional Joint Director, Kakinada, East Godavari District, A.P.
3 Special Officer, Government Polytechnic College for Women
Srikakulam.
4 Principal, Government Polytechnic College for Women, Srikakulam.
5 Smt. M. Neelaveni, w/o. Appa Rao, Attender,
Government Polytechnic College for Women, Srikakulam.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially writ of certiorari calling for the records and set aside the order dt. 14.12.2004 in O.A.No.4404/2002 on the file of Hon'ble A.P. Administrative Tribunal, Hyderabad as illegal, arbitrary, violtive of Art. 14, 16 of Constitution of India and consequently direct the respondents 1 to 4 to continue the petitioner in the post of Junior Assistant at the 4th respondent college in pursuance of appointment No.A1/390/2001 dt. 25.08.2001 of the 2nd respondent and pass such other or further orders as the Hon'ble Court deems fit and proper.

**Counsel for the Petitioner: MR.L.PRABHAKAR REDDY**

**Counsel for the Respondent Nos.1 to 4: GP FOR SERVICES I**

**Counsel for Respondent No.5: Mr.M.Viswanadham.**

**The Court at the admission stage made the following:**

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.4404 of 2002, dated 14.12.2004.

2. 5th respondent in the Writ Petition is the applicant before the Tribunal. The writ petitioner was appointed as Roneo Operator on 28.4.1999 and he was promoted as Junior Assistant on 21.8.2001. Challenging the said promotion, the 5th respondent filed the above OA. The Tribunal, however, taking into consideration that 5th respondent was senior, set aside the said promotion. Aggrieved by the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the Tribunal has not properly appreciated the relevant Rules and rendered an erroneous decision. He submits that the promotion to the cadre of Junior Assistant is made from three channels, viz., Group I, Group II and Group III. Under the A.P. Ministerial Service Rules, 1998, the post of Junior Assistant in the cycle of 10 vacancies is to be filled up from among Group I, Group II and Group III and Note 17 is relevant, which is extracted below:

> "In respect of the appointments to the categories of Junior Assistants, Assistant-cum-Typists, Junior Stenographer and Typists from the feeder category of Record Assistant and other equivalent categories, Attenders and other categories in the Andhra Pradesh Last Grade Service, eligible persons from these categories shall be divided into three groups as indicated below and the appointments as between the Groups I, II and III shall be in the ratio of 1:2:7 respectively, in a unit of 10 vacancies.
>
> Group I: Lift Operators, Motor Vehicle Messengers, Drivers, Xerox Operators and Shroffs;
>
> Group II: Record Assistants, Roneo, Duplicating Operators.
>
> Group III:Attenders, Chowkidars, Sweepers, Scavengers, Cycle Orderlies and other categories in the A.P.L.G.S."

4. As can be seen from the note, Group I consists of Lift Operators, Motor

Vehicle Messengers, Drivers, Xerox Operators and Shroffs; while Group II consists of Record Assistants, Roneo, Druplicating Operators and Group III consists of Attenders, Chowkidars, Sweepers, Scavengers, Cycle Orderlies and other categories in the A.P.L.G.S. and the ratio also has been prescribed between Groups I, II and III at 1:2:7. The Tribunal holding that since 5th respondent is senior, she ought to have been promoted as Junior Assistant appears to be contrary to the rule position. What is required to be considered is the vacancy which arose in the cadre of Junior Assistant has to be identified with reference to the cycle of 10 vacancies and if it falls in first vacancy, it should go to Group I, if it falls in second vacancy it should go to Group II and if it falls in third vacancy, it should go to Group III depending on the ratio fixed between these groups. But the Tribunal did not consider this aspect. The seniority in the cadre of Attender has nothing to do as the Attender post is in Group III, while the petitioner was appointed as Roneo Operator which falls in Group II. Under these circumstances we are of the considered opinion that the matter requires reconsideration in the hands of the Tribunal.

5. Accordingly the Writ Petition is allowed and the order of the Tribunal is set aside and the matter is remitted back to the Tribunal for fresh consideration in accordance with the Rules as contained in A.P. Ministerial Service Rules, 1998. The Tribunal shall issue notices to the parties concerned, hear the parties and pass appropriate orders within a period of two (02) months from the date of receipt of a copy of this order. No costs.

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(G.BIKSHAPATHY, J.)

10th March, 2005.

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(P.S.NARAYANA, J.)

**SSR**

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner for Technical Education, A.P., Hyderabad.
2 The Regional Joint Director, Kakinada, East Godavari District, A.P.
3 The Special Officer, Government Polytechnic College for Women Srikakulam.
4 The Principal, Government Polytechnic College for Women, Srikakulam.
5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

7 2 CD copies

8 1 CC to MR.PRABHAKAR REDDY

*Form-NIC-OGS/WP{**JGK**}*